

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT CYRUS,)	
)	
Plaintiff,)	
)	CASE NO.: 2:06-cv-00568-WKW-TFM
v.)	
)	
HYUNDAI MOTOR COMPANY,)	
HYUNDAI MOBIS, INC. (formerly)	
known as HYUNDAI PRECISION CO.),)	
HYUNDAI TRANSLEAD (formerly)	
known as HYUNDAI PRECISION CO.))	
HYUNDAI MOTOR AMERICA, and)	
HYUNDAI MOTOR)	
MANUFACTURING OF)	
ALABAMA, LLC.)	
)	
Defendants.)	

NOTICE OF PLAINTIFF'S FILING OF SECOND FEDERAL LAWSUIT
THAT IS RIPE FOR CONSOLIDATION

COMES Defendant Hyundai Motor Manufacturing Alabama, LLC ("HMMA") and gives notice to the Court of the following:

1. On December 5, 2006, HMMA filed a Motion to Stay Pending Election by Plaintiff to Join Additional Federal Claims, in which HMMA requested that this case be stayed to allow Plaintiff to elect whether or not he would pursue additional federal discrimination claims related to a Charge of Discrimination that he had filed with the Equal Employment Opportunity Commission against HMMA.¹

2. The Court ordered Plaintiff to show cause on or before February 14, 2007, as to why the motion to stay should not be granted.

¹ The EEOC issued a dismissal and notice of right to sue letter on November 21, 2006, relating to the Charge.

3. On February 14, 2007, Plaintiff filed a response to the show cause order and stated that he could wait until as late as December of 2009 to file any claims flowing from his EEOC Charge.

4. Plaintiff then filed a second lawsuit in the United States District Court for the Middle District of Alabama, asserting claims under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981, on February 16, 2007, only two days after suggesting to this Court that Plaintiff could wait until December of 2009 to file such claims.

5. HMMA attaches herewith as Exhibit A a copy of the Complaint filed in Cyrus v. Hyundai Motor Manufacturing of Alabama, LLC, Civil Action No. 2:07-cv-144-ID. These claims are based on the same facts that served as the basis for Plaintiff's EEOC charge.

6. HMMA asserts, just as it did previously in its motion to stay, that there are common issues of law and fact between these two cases and that consolidation is appropriate under Rule 42(a) of the Federal Rules of Civil Procedure.

7. HMMA intends to file a motion to consolidate and supporting brief as soon as practicable but wanted to advise the Court of the existence of these additional federal claims, given the possible impact of the filing of this second lawsuit on the pending motions before this Court.

Respectfully submitted this 21st day of February, 2007.

/s/ Brian R. Bostick
TIMOTHY A. PALMER (PAL009)
J. TRENT SCOFIELD (SCO024)
BRIAN R. BOSTICK (BOS015)
**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
One Federal Place, Suite 1000
1819 Fifth Avenue North
Birmingham, AL 35203

(205) 328-1900

brian.bostick@odnss.com

Attorneys for Defendant Hyundai Motor
Manufacturing Alabama, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2007, I electronically filed the foregoing Notice of Plaintiff's Filing of Second Federal Lawsuit That is Ripe For Consolidation with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Richard J. Stockham, III, Jeffrey A. Lee, and Wyndall A. Ivey.

/s/ Brian R. Bostick

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

One Federal Place, Suite 1000

1819 Fifth Avenue North

Birmingham, Alabama 35203

Telephone: (205)328-1900

Facsimile: (205)328-6000

brian.bostick@odnss.com

4538650.1